



**#15-06 BROWNING SHED VARIANCE REQUEST
4305 INDIAN CREEK DRIVE, APN: 045-200-010**

**STAFF REPORT
9/22/15 PLANNING COMMISSION MEETING**

REQUEST

Brent and Tricia Browning, the applicant/owner, is requesting one (1) Variance approval on their 3.0-acre parcel located at 4305 Indian Creek Drive, northwest of Barton Road, APN: 045-200-010-000. The request is to allow for the construction of a replacement shed within the required setback. The parcel is zoned Residential Agriculture (RA) and designated Residential Agricultural, 4.6 acres/du in the General Plan. The project is Categorically Exempt under CEQA Section 15305.

RECOMMENDATION: Hear staff report, take public comment, and consider Resolution #15-06 for the setback variance for the replacement shed, per the findings in Exhibit A and conditions of approval in Exhibit B.

PROJECT DESCRIPTION

Site: 4305 Indian Creek Drive; APN: 045-200-010; 3.0 acres; RA zoning

Existing Access: One driveway off of Indian Creek Drive

Surrounding Uses and Zoning: Surrounding uses and zoning are as follows:

- North** – Residential parcels, RA zoning
- East** - Residential parcels, RA zoning
- South** - Residential parcels, RA zoning
- West** - Residential parcels, RA zoning

Improvements/Utilities/Service Systems:

- Sewer** – Septic System
- Water** – Groundwater (On-Site Well)
- Gas/Electric** – Propane/PG&E and Solar

VARIANCE REQUEST

(Storage Shed Installation within Side Setback)

The applicant is replacing a dilapidated shed that was recently removed from the parcel with a new shed that will house landscaping equipment, camping gear, bikes and miscellaneous items. The original shed, according to the application, was 19 feet wide by 30 feet long by 12 feet tall (a total of 570 square feet) and was located on the northeast side of the single family residential unit occupying the parcel. The original shed was built under and complied with the 1974 Placer County Zoning Ordinance minimum 5-foot side setback for Single Family Residences – Accessory Uses. The applicant is replacing the original shed with a new shed that is 19 feet wide by 30 feet 6 inches long by 13 feet 6 inches tall (579.5 square feet) in generally the same footprint area as the previous shed. The applicant is requesting issuance of a Variance from the Town of Loomis in order to reconstruct the shed in generally the same area as the original shed, which under the Loomis Zoning Ordinance requires a minimum side setback of 25 feet for an accessory use on an RA zoned parcel (unless compliant with Section 13.72.040 of the Loomis Zoning Ordinance). Without issuance of the Variance, the applicant will be in violation of the side setback requirements as set forth in Sections 13.24.40 and 13.42.260 of the Loomis Zoning Ordinance.

Because the original shed had been demolished and construction of the new shed initiated prior to receipt of the application, Staff conducted research on the parcel using aerial imagery from Google Earth to determine the location of the original shed and the amount that the new shed would encroach into the Loomis side setback requirements. The Google Earth aerial images (Attachment 3) show that the original shed was on the property in April 2014 and the shed had been removed from the property by April 2015. The April 2014 Google Earth aerial shows the shed along the northeast side of the single family residential unit in compliance with the 5-foot minimum side setback of the Placer County Zoning Code and was also a maximum of 19 feet wide by 25 feet long. The April 2014 Google Earth Image also shows the “front” of the original shed (“front” as in the northwest face of the shed) is in line with the “front” of the single family residential unit. Planning Staff visited the parcel on (July 1, 2015) to take photographs of the new shed that was being constructed in order to compare it to the previous shed on the parcel. Photos of the shed were taken at the front- and side yard (northwest side) of the single family residential unit facing towards the shed (Attachment 4). As shown in the photos the new shed is not in line with the front of the single family residential unit and the exterior wall height of the new shed is slightly taller than the eaves of the existing single family residential unit. Based on comparisons of the Google Earth images of when the original shed existed on the parcel and the photos of the new shed being constructed, the construction footprint of the new shed appears as though it is further north approximately 5 to 6 feet and is no longer within the “same footprint” as discussed in Section 13.72.040 of the Loomis Zoning Ordinance.

Variance findings for storage shed to encroach within the allowed side setback:

Required findings must be made by the Review Authority if the variance is to be approved. The required findings are listed below:

13.62.060 - Variance and minor variance.

Findings and Decision. The review authority may approve a variance or minor

variance, with or without conditions, only after first making all of the following findings, as applicable.

1. General Findings.

- a.** There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district. *There are no special circumstances applicable to the property.*
- b.** Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought; *Owner is requesting reconstruction of their shed in generally the same area as their previous shed.*
- c.** The variance is consistent with the general plan and any applicable specific plan. *Yes.*

RECOMMENDATION: Hear staff report, take public comment, and **consider Resolution #15-06 for the setback variance for the replacement shed, per the findings in Exhibit A and conditions of approval in Exhibit B.**

ATTACHMENTS:

- 1. Resolution #15-06, draft findings and draft conditions of approval
- 2. Application #15-06
- 3. Plans (aerial) and other onsite pictures submitted by the applicant
- 4. Onsite photos taken by Staff

NOTE:

Notice published in Loomis News on 9/10/15 and mailed to neighbors on 9/8/15.